

REMARKS

At the outset, Applicant submits that the Examiner's requirement to elect between claims (under the guise of species) is improper on its face, since MPEP § 806.04(e) clearly states that "Claims are never species." (emphasis original). Accordingly, for at least this reason, the election of species requirement is improper and must be withdrawn.

If the Examiner persists in stating that the application contains plural species, as set forth in 37 C.F.R. § 1.146, a reasonable number of species are permitted in a single application. The present application contains a reasonable number of species. Further, examination of all of the species together in one application would not place an undue burden on the Examiner. It is respectfully submitted that the Examiner's Election of Species Requirement is improper in view of the fact that a reasonable number of species are set forth in the present application.

Accordingly, in view of the above remarks, reconsideration of the requirement for election of species, and an action on all of the claims in the application, are respectfully requested.

Favorable action on the present application is earnestly solicited.

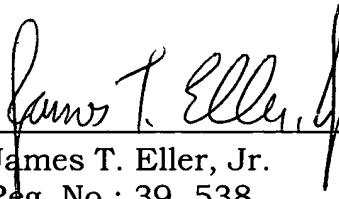
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
Reg. No.: 39, 538

JTE:cms

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000